

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

CASE NO.: 3:20-cv-00956

JON Q. WRIGHT,

Plaintiff,

v.

NAMAKAGON LAKE ASSOCIATION,
INC.,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff JON Q. WRIGHT by and through his undersigned counsel, brings this Complaint against Defendant NAMAKAGON LAKE ASSOCIATION, INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff JON Q. WRIGHT (“Wright”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Wright's original copyrighted Work of authorship in his Work.

2. Wright is the principal and owner of JQ Licensing LLC. Wright is one of the leading artists in North America specializing in fish and fishing related art. His art has graced over 56 different catalog and magazine covers since 1987. Wright has produced 38 limited and open-edition freshwater fish prints, and his art has been featured on hundreds of licensed products worldwide.

3. Defendant NAMAKAGON LAKE ASSOCIATION, INC. (“NLA”) is a not-for-profit organization that was formed in 1995 for the purpose of preserving and protecting Lake Namakagon and its environs. At all times relevant herein, NLA owned and operated the internet website located at the URL www.nlaonline.org (the “Website”).

4. Wright alleges that NLA copied Wright's copyrighted Work from the internet in order to advertise, market and promote its organization's activities. NLA committed the violations alleged in connection with NLA's business for purposes of advertising and promoting sales to the public in the course and scope of the NLA's activities.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Wisconsin.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Namakagon Lake Association, Inc. is a Wisconsin Corporation, with its principal place of business at PO Box 536, Cable, Wisconsin, 54821, and can be served by serving its Registered Agent, Mr. W. Steven Musser, 11 Glen Brook Way, Unit 107, Fitchburg, Wisconsin, 53593.

THE COPYRIGHTED WORK AT ISSUE

10. In 1993, Wright created the illustration entitled “Walleye Green Lure”, which is shown below and referred to herein as the “Work”.



Jon Q Wright, © Walleye / Green Lure
US Copyright Registration # VAu-1-021-822

11. Wright registered the Work with the Register of Copyrights on July 10, 2009 and was assigned the registration number VAu 1-021-822. The Certificate of Registration is attached hereto as Exhibit 1.

12. Wright's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Wright was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. NLA has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, NLA copied the Work.

16. On or about July 1, 2019, Wright discovered the unauthorized use on the Website. NLA used Wright's Work on its flyer advertising "Lake Namakagon's Fundraising Event The Big Catch" to be held on June 22nd.

17. NLA copied Wright's copyrighted Work without Wright's permission.

18. After NLA copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its fundraising event.

19. NLA copied and distributed Wright's copyrighted Work in connection with NLA's business for purposes of advertising and promoting NLA's business, and in the course and scope of advertising and selling products and services.

20. NLA's use of the Work was carried out with either willful blindness or reckless disregard with respect to Mr. Wright's ownership of the Work.

21. Wright's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

22. NLA committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

23. Wright never gave NLA permission or authority to copy, distribute or display the Work at issue in this case.

24. Wright notified NLA of the allegations set forth herein on July 15, 2019. To date, the parties have failed to resolve this matter. A copy of the Notice to NLA is attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

25. Wright incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Wright owns a valid copyright in the Work at issue in this case.

27. Wright registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. NLA copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Wright's authorization in violation of 17 U.S.C. § 501.

29. NLA performed the acts alleged in the course and scope of its business activities.

30. NLA's acts were willful.

31. Wright has been damaged.

32. The harm caused to Wright has been irreparable.

WHEREFORE, the Plaintiff Jon Q. Wright prays for judgment against the Defendant Namakagon Lake Association, Inc. that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Defendant be required to pay Plaintiff his actual damages and NLA's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;

- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: October 15, 2020

Respectfully submitted,

/s/Joel B. Rothman

JOEL B. ROTHMAN

joel.rothman@sriplaw.com

SRIPLAW

21301 Powerline Road

Suite 100

Boca Raton, FL 33433

561.404.4350 – Telephone

561.404.4353 – Facsimile

Attorneys for Plaintiff Jon Q. Wright